

1 BARRY J. PORTMAN
VARELL L. FULLER
2 Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
3 San Jose, CA 95113
Telephone: (408) 291-7753
4
5 Counsel for Defendant LEONARD FLEMING

FILED

MAR - 2 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,) No. CR 10-00791-DLJ
11)
12 Plaintiff,) STIPULATION AND ~~[PROPOSED]~~
13 vs.) ORDER TO CONTINUE INITIAL
14 LEONARD RUSSELL FLEMING,) APPEARANCE AND ARRAIGNMENT
15 Defendants.)

16 **STIPULATION**

17 The parties, by and through their respective counsel, hereby stipulate and jointly requests
18 that the defendant's initial appearance previously set for March 1, 2011, at 9:30 p.m., be
19 continued to March 15, 2011, at 9:30 a.m. The Federal Public Defender was previously
20 appointed precharge to represent Mr. Fleming in this matter. On March 1, 2011, the parties
21 appeared at the initial appearance previously set in this matter. However, Mr. Fleming, who
22 resides in Lackawanna, New York, was not present. Mr. Fleming was not present because he is
23 indigent and was unable to pay the cost of his travel to this district for his initial appearance.
24 Counsel for Mr. Fleming has applied for an order directing the United States Marshal to pay the
25 cost of Mr. Fleming's travel to this district for his initial appearance and change of plea on March
26 15, 2011. Accordingly, the parties respectfully requests that the Court continue the defendant's

1 initial appearance to March 15, 2011 at 9:30 a.m.

2 IT IS SO STIPULATED.

3 Dated: March 1, 2011

4 /s/
HANLEY CHEW
Assistant United States Attorney

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7 Dated: March 1, 2011

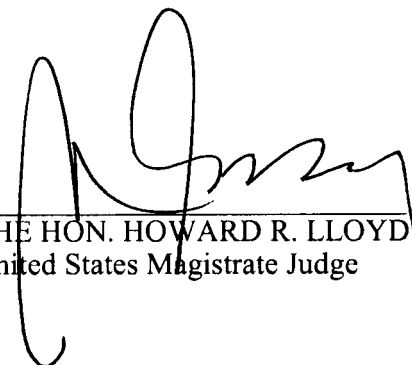
8 /s/
VARELL L. FULLER
Assistant Federal Public Defender

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10 **[PROPOSED] ORDER**

11 Good cause appearing and by stipulation of the parties, it is hereby ORDERED that the
12 defendant's initial appearance and arraignment shall be continued to Tuesday, March 15, 2011, at
13 9:30 a.m.

14 IT IS SO ORDERED.

15 Dated: March 2, 2011

16 
17 THE HON. HOWARD R. LLOYD
United States Magistrate Judge

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